

RESPONSE TO REQUEST FOR INFORMATION

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SWORN AFFIDAVIT

OFFICE OF PETITIONS

Pursuant, to the letter dated July 11, 2005, the patentee hereby submits a response to the letter for information.

1: That, the PTO requests information prior to rendering a decision.

2: That, reasonable care has always been taken to assure the prompt payment of any or all fees required by the PTO, paid in a timely manner, even to the point of mailing every letter via the Express Mail!

3: That, the patentee would have and will pay any and all fees required by the PTO, and will use every means available by law or the rules of the PTO to protect his personal and intellectual property; being the (2) two patents owned by the patentee, which are;

A) the weather shield solar heat collector per reflector, numbered 6,170,281 and,

B) the thermal energy heat exchanger, numbered 6,772,826.

4: That, the said second patent is totally dependant upon the said first patent, And if the patentee loses the said first patent, then he loses the said second patent. Therefore; any reasonable jury of his peers would undoubtedly agree that, since the patentee has so much to loose by not paying the fee and based upon the patentee's history of payment of all fees in a timely manner, that the patentee surely would have paid the maintenance fee, had not the unavoidable circumstances occurred!

5: That, the patentee has always relied upon the kind and very honorable assistance of the PTO employees, to the point that PTO examiner Mr. John Ford actually wrote the claims for said second patent, no. 6,772,826.

6: That, the patentee, in an effort to safeguard his patents and to show the PTO that he will do what ever is legally necessary to protect his patents (And, prior to any decision having been made upon the unavoidable category issue), is hereby submitting a check in the amount of an additional \$940.00, bringing the total surcharge payment to \$1640.00, being the amount required to have the late fee accepted as an unintentional delay of the payment of the maintenance fee, along with a completed form for the acceptance of payment of maintenance late fee under the PTO Unintentional Delay Form!

7: That, the patentee requests the assistance of the PTO employees (who are judging patentee's original assumption that the fee was late due to an unavoidable delay), to please apply this check for \$940.00 an the completed unintentional form to preserve patentee's patent numbered 6,170,281— If the unavoidable circumstances originally stated by the patentee:

A) does not follow the rules or regulations of the PTO, when accepting late fees or

B) if you believe that the unintentional form and surcharge fee will best safeguard said patent number 6,170,281 for the patentee!

8: That, the patentee truly believes the circumstances originally stated by the patentee within the unavoidable petition are valid issues worthy of the acceptance of the maintenance late fee under the unavoidable category, but the patentee will yield to the expertise of the honorable PTO employees in their judgement as to whether the proper surcharge and form used will be the Unavoidable or the Unintentional form and surcharge.

9: That, the answer to the (2)two hypothetical questions posed to the patentee is YES to both and can easily be verified by the history of the patentee in respect to the payment of fees.

10: That, only God can state what would have, could have, or should have been based upon a what if! The facts are truly clear;

A) the patentee has faithfully obeyed every word, from the PTO, that he understands based upon the definitions of Webster's dictionary. And the word surrender when ordered by a government official, means to turn over control to that agency, as is defined by said dictionary for the word surrender.

B) the patentee has worked many long and exhausting man hours of labor to acquire his patents, and has gone to further expense to strengthen his claims, via a Reissue.

C) the patentee has paid out a sizeable portion of his income to acquire and keep his patents, per his history with the PTO proofs his payment of fees are paid within a timely manner and to the satisfaction of the PTO.

11: That, the forfeiture of his patents,(due to a single late fee) would create a cruel and unusual punishment upon the rights of the patentee.

12: That, the patentee is not an attorney, yet he has, (through the brilliant assistance of the honorable employees of the PTO), acquired (2)two U.S. Patents.

13: That, the patentee PREYS, that the single late payment of a fee will not cause the forfeiture of his personal and intellectual property.

14: That, the answer to your question number (1)one is YES!

15: That, the answer to your question number (2)two is YES!

16: That, the patentee will mail this said response to information, by U.S. Express Mail, bearing express mail code number ED829693027US (hand written upon this page before the notary public) and shall maintain receipt for said express mailing for legal purposes, being proof that this response was indeed mailed within a timely manner, well within the time limit set by said letter.

17: That, it is the understanding of the patentee that the filing date of said Express Mail will be considered by the PTO as being the date of the filing of said response unto the PTO.

KARL VERNON LEE BARNETT Karl Vernon Lee Barnett 11 American Drive, Apt. E, Asheville N.C.
printed name signature address 28806

I, Cynthia Buckner Hart, a notary public in the state of North Carolina, do hereby certify that the afore-signed Karl V Lee Barnett did appear before me, on 8-8-05 and did sign his name to this 2 page SWORN AFFIDAVIT, as being his true sworn statement and oath before GOD!

Cynthia Buckner Hart
Notary Public

April 1, 2006
My Commission Expires

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The Meadows
 99 Ascension Drive
 Asheville, NC 28806
 (828) 253-4107
 (828) 253-6937 fax
 (800) 361-8966 toll free

Facsimile

To Mr. Steven Brantley - Attorney PTO From Fal Vernon Lee Barnett
 Phone No. (571) 272-3203 Pages 10 per including cover sheet!
 Fax No. (571) 273-8300 Date 08-12-2005
 Re: Response to Request for Information cc: In the Express letter, was envelope to your attention!
 Comments The following is the response to letter dated July 11, 2005, as a request for information prior to making a decision concerning Patent No. 6,170,281 per Fal Vernon Lee Barnett

Apartment Features

- Garden Style Apartments
- Optional Fireplaces
- Optional Vaulted Ceiling
- Enclosed Patios or Open Balconies
- Ceiling Fans
- Mini Blinds / Vertical Blinds
- Spacious All Electric Kitchens
- Dishwashers
- Garbage Disposal
- Washer & Dryer Connections
- Walk In Closets
- Wall to Wall Carpet
- Six Floor Plans

Amenities

- Friendly Customer Service
- Convenient Location
- 24 hr Emergency Maintenance
- 24 hr Laundry Care Center
- 24 hr Fitness Center
- 2 Swimming Pools
- 2 Tennis Courts
- Car Care Center
- Playground
- Clubhouse
- Notary Service
- Guest Suite
- Resident Activities/Social Functions

08/12/2005 FRI 16:58 FAX

002/010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Karl Vernon Lee Barnett
11 Ascension Drive
Apt. K
Asheville, NC 28806

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AUG 25 2005

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COPY MAILED

JUL 11 2005

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In re Patent of
Barnett
Patent No. 6,170,281
Issue Date: January 9, 2001
Application No. 09/261,310
Filing Date: March 2, 1999

Letter

Request for Information

This letter is in response to the petition under 37 CFR 1.378(b) filed on March 6, 2005, requesting the acceptance of the delayed payment of a maintenance fee for the above-identified patent.

Prior to rendering a decision on the petition, the Office wishes to ensure it is able to fully consider the facts and circumstances surrounding the expiration of the patent. Petitioner fails to discuss:

- (1) Would the 3.5 year fee have been timely paid if a reissue application had not been filed?
- (2) Would the 3.5 year fee have been timely paid if the original patent had not been "surrendered"?

Petitioner should fully address the questions listed above.

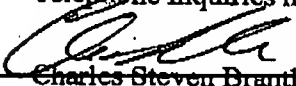
Petitioner should submit the requested information within TWO MONTHS of the mailing date of this letter. Extensions of time may not be obtained. No additional fee is due for a response to the instant request for information. The response to this Requirement for Information should include a cover letter entitled "Response to Request for Information." The failure to file a reply to the instant Request for Information will be interpreted as a desire to no longer pursue reinstatement of the patent and the Office will give no further consideration to the matter.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Petitions Attorney
Office of Petitions

08/12/2005 FRI 16:58 FAX

003/010

RESPONSE TO REQUEST FOR INFORMATION

SWORN AFFIDAVIT

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B) if you believe that the unintentional form and surcharge fee will best safeguard said patent number 6,170,281 for the patentee!

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KARL VERNON LEE BARNETT Karl Vernon Lee Barnett 11 American Drive Apt. 8, Asheville N.C.
printed name signature address 28866

I, Cynthia Buckner Hart, a notary public in the state of North Carolina, do hereby certify that the afore-signed Karl V Lee Barnett did appear before me, on 8-8-05 and did sign his name to this 3 page SWORN AFFIDAVIT, as being his true sworn statement and oath before GOD!

Cynthia Buckner Hart
Notary Public

April 1, 2006
My Commission Expires

08/12/2005 FRI 16:59 FAX

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AUG 25 2005

OFFICE OF PETITIONS

PTO/SB/86 (07-05)

Approved for use through 05/31/2006. OMB 0651-0016
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions Information
at (571) 272-3282.Patent No. 6,170,281 Application Number 09/261,310
Issue Date JAN. 09, 2001 Filing Date MARCH 2, 1999CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent
number (or reissue patent number, if a reissue) and (2) the application number of the
actual U.S. application (or reissue application) leading to issuance of that patent to
ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

N/A

resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____

CERTIFICATE OF MAILING (37 CFR 1.8(a))

EXPRESS MAIL
ED 82969302745I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with
the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope
addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile
transmitted to the U.S. Patent and Trademark Office on the date shown below.08-12-2005
DateKarl Vernon Lee Barnett
SignatureKARL VERNON LEE BARNETT
Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on
the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and
Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/68 (07-05)

Approved for use through 05/31/2006. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ 450.00 PREVIOUSLY PAID	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.SURCHARGE BEING SUBMITTED \$ 940.00
PREVIOUSLY SUBMITTED 700.00
1640.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 940.00☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.☒ **PAYMENT FOR MAINT. FEE AND 700.00 SURCHARGE IN CHECK ALREADY CASHED BY THE PTO!**

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

08/12/2005 FRI 16:59 FAX

007/010

PTO/SB/66 (07-05)

Approved for use through 05/31/2006. OMB 0851-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made please

OR ☐ Credit to Deposit Account No. _____

☒ Send refund check.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Karl Vernon Lee Barnett
Signature(s) of Petitioner(s)

08-12-05
Date

EARL VERNON LEE BARNETT
Typed or printed name(s)

Registration Number, if applicable

1-828-255-8314 (HOME) / 1-828-279-3281 (CELL)
1-828-253-4107 (WORK)
Telephone number(s)

11 Ascension Drive, Apt. E
Address

Asheville, N.C. 28806
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

- ☒ Maintenance Fee payment PREVIOUSLY CHECK CASHED BY PTO!
- ☒ Surcharge under 37 CFR 1.201(i)(2) (fee for filing the maintenance fee petition) 940.00 IN CHECK
- ☒ 700.00 PREVIOUSLY FILED CASHED BY PTO
- ☒ TOTAL SURCHARGE (IF NECESSARY) 1640.00

(Page 3 of 3)

KARL V LEE BARNETT PAULINE R BARNETT PHONE: (828) 255-8314 11 ASCENSION DRIVE APT K ASHEVILLE, NC 28806		3952 08-08-05 08-20/591 127
Pay to the Order of: <i>Amist Commission for Patents</i>	<i>Nine Hundred forty & 00/100</i>	\$ <i>940.00</i> Dollars
FIRST CITIZENS BANK <small>First Citizens Bank & Trust Company Asheville, N.C. 28806 www.firstcitizens.com</small>		
For <i>Additional Enlargement</i> <i>Karl V Lee Barnett</i> ⑆053100300⑆00111839554⑆03952		

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 ED 829693027 US		EXPRESS MAIL UNITED STATES POSTAL SERVICE®		Customer Copy Label 11-B, March 2004	
ORIGIN (POSTAL SERVICE USE ONLY) PO ZIP Code: 28806 Day of Delivery: 8-12-05 Scheduled Date of Delivery: 8-12 Month: 8 Day: 12 Year: 05 Time Accepted: 3:58 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM Flat Rate <input type="checkbox"/> or Weight: 3 lbs. 3 oz. Scheduled Time of Delivery: <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input checked="" type="checkbox"/> 3rd Day METary: <input type="checkbox"/> Next <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day Int'l Alpha Country Code:		Postage: \$13.65 Return Receipt Fee: \$ DOD Fee: \$ Insurance Fee: \$ Total Postage & Fees: \$13.65 Acceptance Emp. Initials: BW		DELIVERY (POSTAL USE ONLY) Delivery Attempt: Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature: Delivery Attempt: Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature: Delivery Date: Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature:	
FROM (PLEASE PRINT) PHONE: 828-255-8314 KARL VERNON LEE BARNETT 11 ASCENSION DRIVE, APT. K ASHEVILLE, N.C. 28806		CUSTOMER USE ONLY PAYMENT BY ACCOUNT <input type="checkbox"/> Express Mail Corporate Acct. No.: Federal Agency Acct. No. or Postal Service Acct. No.: NO DELIVERY <input type="checkbox"/>			
FOR PICKUP OR TRACKING Visit www.usps.com Call 1-800-222-1811		TO (PLEASE PRINT) PHONE: 571-272-3203 MAIL STOP PETITIONS COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA ZIP + 4 (U.S. ADDRESS ONLY, DO NOT USE FOR FOREIGN POSTAL CODES) 22313+1450 FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW:			

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 Refunds for guaranteed services only.
 Thank you for your business.
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Bill #: 1000200291141
 Clerk: 03
 Total: \$13.65
 Paid by: Cash \$20.00
 Change Due: -\$6.35

Issue PRT: \$13.65
 ALEXANDRIA VA 22313
 Express Mail PO-ADD
 Serial Number: ED829693027US
 2nd Delivery Day 3PM /
 Normal Delivery

Product Description	Sale Unit	Price	Final Price
ALEXANDRIA VA 22313			\$13.65

08/12/2005 04:00:19 PM
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 ASHEVILLE, North Carolina
 288062804
 3613930305-0098
 (828)271-6418

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 OFFICE OF PETITIONS

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Attn: Office of Petitions
Petitions Attorney
To: Mr. Steven Brantley
(571) 272-3203

IN THIS ENVELOPE
HECK-940.00
FORMS UNINTENTIONAL DELAY
OF MAINT. FEE

Response to information request / ~~Sworn Affidavit~~

For the eyes of Mr. Steven Brantley or Assigned;
PT Employees
Petition Board

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